

Department of Marine Resources

NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE OR SUBJECT: Chapter 1 Watercraft Excise Tax Decal

CONCISE SUMMARY: The proposed amendments to Chapter 1 would update the statutory references and repeal outdated text.

STATUTORY AUTHORITY: 12 M.R.S. §13056, §6133

PUBLIC HEARING: Nov. 17*, 2009, 6:00pm, DMR Large Conf Rm, 194 McKown Pt Rd, W Boothbay Hbr

**Public hearings for multiple proposed rules will be held in chronological order November 17. The second hearing will be held immediately upon the conclusion of the previous hearing, etc. See separate rulemaking notices for the rules not listed in this notice.*

DEADLINE FOR COMMENTS: November 30, 2009

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

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Mail written comments to: Department of Marine Resources, attn: L. Churchill

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TEL.: (207) 633-9584 **FAX:** (207) 633-9579 **TTY:** (207) 633-9500 (Deaf/Hard of Hearing) Hearing facilities:

If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

The proposed rulemaking would update and therefore clarify the rules for those persons who are required to display a water craft excise tax decal and the Marine Patrol officials who enforce those rules.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 1 Watercraft Excise Tax Decal

SUMMARY:

~~These regulations govern the placement of the excise tax decal required by 36 M.R.S.A. §1504(7) on watercraft for which the tax authorized by 36 M.R.S.A. §1504(1) has been paid.~~

1.01 Purpose

~~These regulations describe the proper placement of a decal evidencing payment of the watercraft excise tax on the watercraft for which the tax is paid.~~

1.02 Definitions

The definitions set forth in 36 M.R.S. Chapter 112 §1501 et seq. shall apply to the terms used in this chapter.

1.03 Placement of Excise Tax Decal

~~A. On watercraft registered and displaying a certificate of number pursuant to 12 M.R.S.A. §7794, the excise tax decal shall be displayed not more than three (3) inches to the right of the Maine Department of Inland Fisheries and Wildlife validation sticker and on the same level as the sticker on both sides of the bow.~~

AB. On watercraft documented under the laws of the United States and not registered pursuant to 12 M.R.S. §13056 ~~§7794~~, the excise tax decal shall be displayed on the wheelhouse or forward topsides so that the decal is visible clearly to observers of the port and starboard sides of the watercraft.

BG. On watercraft more than twenty (20) feet in length that are not registered under 12 M.R.S. §13056 ~~§7794~~ and not documented under the laws of the United States, the excise tax decal shall be displayed on both sides of the bow so as to be visible clearly to observers.

1.04 Rules Governing the Inspection of Watercraft by a Marine Patrol Officer

A. Safety Requirements for Watercraft

1. All watercraft shall meet the requirements specified in 12 M.R.S. Chapter 935-§7791, as amended, and the U.S. Federal Boating Safety Act of 1971 (46 U.S.C.A. §1451, et seq., as amended).
2. At the time the Marine Patrol Officer arrives within the vicinity of the stopped watercraft, the Marine Patrol Officer will make his intentions known to the operator and/or occupants of the watercraft.
3. A Marine Patrol Officer may inspect the documents, licenses and permits of the watercraft and conduct an inspection of the watercraft to determine compliance with the state and federal safety requirements designated above.
4. The Marine Patrol Officer will notify the Commissioner of Marine Resources in writing of any person or persons who fail to submit for inspection under [12 M.R.S. §6133\(1\)](#).

If you are unable to attend the hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline listed.